

Leicester Conservation Commission
Meeting Minutes

Minutes of July 22, 2015

Members present: Stephen Parretti, JoAnn Schold, John Marc-Aurele, Joshua Soojian

In Attendance: Michelle Buck, Town Planner

Meeting called to order at 6:30pm

Reorganization of Board

MOTION: Mr. Soojian moved to nominate Steve Parretti as Chairman

SECONDED: Mr. Marc-Aurele – Discussion: None

VOTE: All in Favor

MOTION: Mr. Soojian moved to nominate John Marc-Aurele as Vice-Chairman

SECONDED: Ms. Schold – Discussion: None

VOTE: All in Favor

Certificate of Compliance

131 Green Street – Elizabeth Voellings (DEP#197-232)

No one was present to represent this request.

A letter was received from Coyle Engineering stating the site was stable. A site inspection done by the Commission agrees with the Engineer's statement.

MOTION: Mr. Soojian moved to approve the request for Certificate of Compliance for 131 Green Street.

SECONDED: Ms. Schold – Discussion: None

VOTE: All in Favor

Request for Determination of Applicability

357-359 Main Street Cont. – expand parking lot (Jeff Canane)

Mr. Jeffrey Canane represented the request.

He met with an environmental consultant and an engineer, who recommended for a 2-month continuation.

MOTION: Mr. Soojian moved to grant a continuation to Jeffrey Canane on his Request for Determination of Applicability for 357-359 Main Street, Cherry Valley for 2-months to the Conservation Commission's September meeting.

SECONDED: Mr. Marc-Aurele – Discussion: None

VOTE: All in Favor

Board Discussion

63 Fairview Drive - wetland violation-(DEP Order)

Mr. Robert Coty, property owner, was present.

Mr. Coty did not understand why he was issued a Cease & Desist Order when he was doing nothing wrong. He was just cleaning up his yard and cutting down some dead branches. There was no removal of any trees or any holes dug for a garage. He wanted to contact the Commission regarding cutting down some trees that were rotted and dead.

He was asked if the letter from DEP was received.

Mr. Coty received the letter, but felt he never denied Conservation access to his yard. When Ms. Schold spoke with him, it was about the property across the street and not about his property. He does not have a problem with anyone wanting to come and look at his property.

Ms. Schold explained mistaking the property across the street as Mr. Coty's and agreed speaking with Mr. Coty about that property. After she verified the location of the complaint and what the complaint was about, she realized she was looking at the wrong lot.

She didn't approach Mr. Coty after that because he had become agitated about a Conservation member walking around the neighborhood.

A couple of the neighbors allowed her to look at Mr. Coty's property from their yard and she noticed branches and trees cut on the waterside and work being done in the front of the house under the deck. She didn't see any actual work being done, but there was a pile of cut wood under the porch deck, and there were some tree limbs down on the ground.

Ms. Schold felt the investigation was inconclusive because there wasn't accessibility to the property.

After some discussion, the Commission agreed a site visit would be needed to decide how to proceed, with the agreement of the property owner. Mr. Coty agreed.

A site meeting will be set up through the Conservation Office.

Oakridge Estates (update)

Mr. Art Allen, Environmental Consultant represented the applicant.

A letter was received by John Stelmok, owner/developer, noting several concerns that were seen at the site and the Commission had asked for a status report from the Wetland Specialist.

On July 13, 2015 a Status Report was received from Mr. Allen, in response to the Commission's written comments, as follows:

- 1) The project had 3 separate Order of Conditions since the start in 1999. The first two Orders were complete. The only Order of Conditions that referenced monthly monitoring status reports was the first Order. The second and third Orders required a Professional Engineer to oversee the project construction and to notify the Commission of any matters requiring attention.

- 2) The erosion barriers were found to be still in place, but overgrown and deteriorated, because the developer felt since there was no earthwork being done within 100-feet of the buffer; there

was no reason to refresh the erosion barriers. Since that time, some areas within the buffer were cleared and new straw bales and toed-in silt fence were installed.

3) 55 & 56 Virginia Drive was evaluated regarding lack of erosion barriers. The work associated with these units is outside the wetland buffer and the only thing resembling a wetland, would be the vegetated Stormwater basin constructed in the upland area.

4) A revision plan filed with the Planning Board on Phase 3 shows the following: one, 2-unit building with **no** Community Building, parking lot or Bocce Court, reducing the wetland impacts by 9000 square feet. Housing units 73 & 74 are proposed to be oriented north south within same work limits, having no change to the wetland buffer; and one, 1-unit building being eliminated, reducing the impervious surface by approximately 1000 square feet.

Mr. Allen requested the Commission to consider the plan revision as a minor amendment to the original Order

After some discussion, the Commission agreed the plan revision was a minor amendment and there was no need for a new filing. They did request to be kept updated on the progress.

12 Maighan's Way (site visit on pool location)

A recent site visit showed the placement of the pool being outside of the buffer zone.

Stafford Street/Wilson Street – DEP#197-0541 (site inspection)

An inspection report from the wetland specialist and a recent site visit done with the Commission, showed the site being in compliance with the Order. The Commission agreed to lift the Cease & Desist Order.

19 Ackley Drive (home addition)

The owners want to build an addition onto the existing house. The house currently sits too close to the lot lines and the entire lot sits within 100-feet of a wetland. They were asking if the addition could be done under the current Order, which was for the sewer connection, or would they need a new Notice of Intent filing.

The addition would also need approval from the Zoning Board of Appeals for a variance and for a special permit, because they would be encroaching on the back lot line.

After some discussion, the Commission agreed that a new Notice of Intent would need to be filed.

Camp Win in the Pine (additional beach sand)

Tabled - No show

214 Rawson Street (single family home)

Linda Wallace, potential property buyer, was in attendance.

She wants to build a single family home on the property, but wanted to make sure the lot was buildable before buying it.

After some discussion, the Commission agreed she needs to reflag the property and have her engineer draw up a plan showing where the proposed house will be placed in relation to the wetlands.

Depending on where the house is placed, will determine on whether Conservation needs to be involved.

39 Burncoat Lane- Peter Dolan (OOC Extension Req.)

Mr. Dolan is requesting an extension, for not more than 5 years, on his Order of Conditions DEP#197-441. He is the original applicant and owner of this property. The plan will not deviate from its original design concept and there will be no additional impact than what exists.

The original Order was approved 2006, expiring in 2009 and the Permit Extension Act brought the expiration to 2013.

There was discussion to approving an Amendment on the expired existing Order of Conditions for three years and waiving the 25-foot No Disturb in the areas where it encroaches the 25-foot on the 2006 plan, or approving the extension for 5 years from the 2013 date.

MOTION: Mr. Marc-Aurele moved to approve the Extension Request of Peter Dolan of 30 Burncoat Lane, Leicester, Ma. DEP#197-441 for a 5-year extension from 2013 and to be extended to September 26, 2018.

SECONDED: Ms. Schold – Discussion: None

VOTE: All in Favor

Approval of Minutes

6/10/2015

Tabled

New Business

Mail

- Building Inspector's Reports
- Email memo from the Police Chief regarding the Stafford Street Mill in Rochdale.
- Site Plan Approvals from the Planning Board for Cumberland Farms and Mulberry Street Solar Farm.
- Foreclosure Notice on 55 Marshall Street

Next meetings

August 12th; September 16th and October 14th

Central Mass Crane

Monitoring reports received/reviewed.

Mr. Parretti asked for any further comments or concerns; hearing none, asked for a motion.

MOTION: Ms. Schold moved to adjourn meeting

SECONDED: Mr. Marc-Aurele – Discussion: None

VOTE: All in Favor

Meeting adjourned at 7:45PM

Respectfully submitted:

Barbara Knox

Barbara Knox